

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

MARION S. LEBON et al

PLAINTIFFS

VERSUS

CIVIL ACTION NO. 1:08CV509-LTS-RHW

STATE FARM FIRE & CASUALTY COMPANY

DEFENDANT

ORDER GRANTING MOTIONS TO QUASH

Before the Court is Defendant's [69] Motion to Expedite and to Quash or for Protective Order regarding Plaintiff's Notice of 30(b)(6) IT Video Deposition and Issuance of Deposition Subpoena Duces Tecum and Defendant's [70] Motion to Expedite and to Quash or for Protective Order regarding Plaintiff's Notice of 30(b)(6) Video Deposition and Issuance of Deposition Subpoena Duces Tecum. The notices of deposition were served on October 30, 2009, with depositions scheduled for November 11 and 12, 2009. Defendant argues that Plaintiffs set the location, date and time for these depositions unilaterally and without consulting Defendant. Defendant further argues that it has not been given sufficient time to identify, coordinate with, and prepare a representative to speak on its behalf for the scheduled deposition.

The Court finds that Defendant's motion to quash should be GRANTED and the notices of deposition quashed based on Plaintiff's unilateral setting of the deposition, without consultation and without allowing sufficient preparation time for Defendant. The Court further finds that in light of the notices of deposition being quashed, the motions for protective order and motions to expedite are now MOOT.

If and when Plaintiffs choose to notice any future Rule 30(b)(6) depositions, they are instructed to consult with defense counsel prior to setting the deposition in order to arrive at a

mutually agreeable time, date, and location. Plaintiffs are further directed to review the Court's [200, 228, 231] Orders in *Marion v. State Farm*, civil action no. 1:06cv969, and the Court's [117] Order in *Perkins v. State Farm*, civil action no. 1:07cv116 regarding the appropriate scope of discovery. Plaintiffs should tailor any future 30(b)(6) areas of inquiry to relate to the specific claims in Plaintiffs' complaint and to conform with the Court's prior rulings in *Marion* and *Perkins*. Counsel for Defendant is directed to provide Plaintiffs' counsel with copies of the orders noted above.

IT IS THEREFORE ORDERED AND ADJUDGED that the Motions to Quash are GRANTED and that the Motions for Protective Order and to Expedite are found to be MOOT consistent with the provisions of this Order.

SO ORDERED, this the 19th day of November, 2009.

s/ Robert H. Walker
UNITED STATES MAGISTRATE JUDGE